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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,448	10/26/2000	David Bruce Kumhyr	AUS9-2000-0499-US1	3531
7590 01/04/2005			EXAMINER	
Kelly K Kordzik 100 Congress Avenue Suite 800 Austin, TX 78701			VO, TED T	
			ART UNIT	PAPER NUMBER
			2122	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/697,448	Applicant(s) KUMHYR, DAVID BRUCE	
	Examiner Ted T. Vo	Art Unit 2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,22 and 43 is/are rejected.
- 7) ☒ Claim(s) 2-21,23-42 and 44-50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 09/07/2004 responsive to Office Action dated on 05/06/2004.

Claims 3, 24, 45 are amended.

Claims 1-50 remain pending in the application.

### ***Response to Arguments***

2. Applicants' amendment has been fully considered.

In the specification:

The Abstract is amended for containing less than 150 words. The objection to the Abstract in the prior action is withdrawn. However, the blanks still remain in section "CROSS REFERENCE TO RELATED APPLICATIONS" in page 1. It would require updating whenever the information in these blanks is available.

In the Claims:

Applicants' arguments in the Remarks section have been fully considered.

-Claims 3, 24, and 45 are amended responsive to the rejection of Claims 3, 24, 45 under 35 U.S.C 112 first paragraph. The rejection of these claims 3, 24, and 45 under this statute is withdrawn in regards to this amendment.

- The rejection of Claims 6-21, 27-42, 48-50 under 35 U.S.C 112 second paragraph is withdrawn. With regards to the rejection in prior Office Action for lacking antecedent basis in the Claims, Applicants point out that the phrase "its associated value" refers to the prior term "key" which does not lack antecedent basis (Remarks: page 11, pages 1-6).

- With regards to Applicants' argument that Hoffman (US Pat. No. 6,189,137) is disqualified as being used as a prior art under 35 U.S.C. 103(c) (Remarks: page 12), the rejection of Claims 1-50 is withdrawn. The

new ground(s) of rejection is set forth herein in this Office Action. Accordingly, this office action is non-final.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 22, 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogda et al., "Removing Unnecessary Synchronization in Java", Technical Report TRCS99-10, University of California, Dept. of Computer Science, April 1999.

Given the broadest reasonable interpretation of followed claim(s) in light of the specification:

As per claim 1:

Bogda discloses a method that includes detecting resource exception errors (See page 5, paragraph: "Some Java constructs...a.array=x": term referring "class Exception"). It covers the limitations:

*A method for detecting resource exception errors comprising the steps of:*

*scanning a code for a first method invocation used to open a first resource file* (See page 14, paragraph, "Some authors...multi-threaded": referring the compiler that scans a program to find threads: "After scanning an entire program");  
*identifying said first method invocation* (See page 5, paragraph: "Because of dynamic...methods-invoked(m), and further see whole section 4.1, "Detecting s-escaping objects" started in page 5); and

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*opening said first resource file (For example, 'escapes' or 'Exception.escapes') using said first method invocation to detect resource exception errors (See page 5, paragraph: "Some Java constructs...a.array=x": term referring "class Exception").*

As per Claims 22 and 43:

Claims 22 and 43 recite a computer program product and a data processing system, respectively, which have claimed functionality corresponding to the limitation recited in Claim 1. Claims 22 and 43 are rejected in the same rationale set forth in Claim 1 above.

#### ***Allowable Subject Matter***

5. Followings are allowable subject matter in regards to Claims 2-21, 23-42, and 44-50

As per Claims 2, 23, and 44:

Claims 2, 23, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The cited prior arts taken alone or in combination fail to teach the further limitations in Claims 2, 23, and 44, comprising at least features:

*scanning said code for a first method signature; and*

*scanning said code for a first pair of string delimiters adjacent to said first method signature,*

*wherein a string within said first pair of string delimiters adjacent to said first method signature is a key of said first resource file*

as recited in Claim 2 and in such manners in Claims 23 and 44.

As per Claims 3-21, 24-42, and 45-50: Respectively, Claims 3-21, 24-42, and 45-50 are dependent on Claims 2, 23, and 44 which are objected to above. The Claims are objected to because of independency.

**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**IBM Technical Disclosure Bulletin**, "Efficient Implementation of ACLS for Object-Oriented Systems", Vol. 36, No. 3, discloses how a resource in a method invocation is accessed.

**Ross**, US Pat. No. 6,163,780, discloses a method for removing unused class including scanning method invocations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ted T. Vo*

Ted T. Vo  
Primary Examiner  
Art Unit 2122  
December 23, 2004